

Chapter 2

ADMINISTRATION*

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ARTICLE I. IN GENERAL

Sec. 2-1. Establishment and function of mayor and councilmember's office.

There is hereby created a department of the municipal government of the city to be known as "the mayor and councilmember's office." The function of such office is to provide executive, administrative and clerical assistants to the mayor and city council.

(Code 1968, § 2-1)

Sec. 2-2. Council rules of procedure.

The following rules of procedure shall govern all meetings and proceedings of the city council:

Rule 1. Meetings Generally.

- a. The city council shall conduct its regular weekly meeting in two daily sessions commencing at 1:30 p.m. on Tuesday and at 9:00 a.m. on Wednesday, respectively, of each calendar week. Each session shall be conducted in the city council chamber unless another place in the City Hall is designated by the city council. Meetings shall recess at the times provided in Rule 7 and shall be subject to recess at other times as provided in subsection c, below. No notice shall be required to be given to any member of any recessed meeting. In the event that Tuesday or Wednesday, or both, of any calendar week falls on a holiday observed by the closure of city offices, then the regular weekly meeting shall be rescheduled as determined by the city council. The city council may reschedule any weekly meeting or daily session thereof to other days and times in the same calendar week and may

for valid reason postpone any regular weekly meeting to another week.

- b. All council members shall be notified of all special meetings of the council, which notice shall be given by the city secretary or some other duly authorized representative of the city. Such notice may be either written or verbal and may be served upon each party in person or through a representative at either a residence or place of business.
- c. Any meetings may be recessed for short periods of time upon majority vote of the members present.
- d. The description, caption or title of each item on the agenda shall be read by the city secretary (or designee) in the city council chamber beginning not earlier than 60 minutes before the scheduled commencement time of the city council meeting session at which the agenda will be considered. The council chamber shall be open to the public at all times during the reading of the agenda.

Rule 2. Order of Business.

- a. The order of business for the Tuesday session of the regular weekly meeting of the city council shall be:
 1. Calling the roll and marking absences.
 2. Adopting and, if necessary, correcting the minutes.
 3. Presentations to the city council by persons, groups or organizations regarding matters of public interest. Presentations shall be scheduled by council members through the office of the mayor pro tem. The mayor

- (4) Manufactured home permits for which an affidavit is required under section 29-6 of this Code.
(Ord. No. 89-714, § 1, 5-17-89; Ord. No. 94-1268, § 4, 11-22-94; oRD. nO. 05-91, § 1, 1-25-05)

Sec. 1-12. Late renewals of permits.

(a) In this section the following words shall have the meanings ascribed to them in this subsection unless the context of their usage clearly indicates another meaning:

Director means the department director of the city department that is responsible for the processing of the renewal of a permit.

Permit means a license, certificate, approval, registration, consent, permit or any other form of authorization required by law, regulation or ordinance for the operation of any business activity that is issued by any department of the city.

(b) Notwithstanding any other provision of law, a director shall accept and process a late filed application for the renewal of a permit if the application is filed or tendered for filing within the 30 day period following the last day otherwise authorized by law for filing of the renewal application and if the applicant demonstrates that the failure to timely file was based upon an error or misunderstanding and was not the result of a conscious indifference to the requirements for renewal.

(c) The provisions of this section shall not be construed to excuse compliance with any applicable requirement other than the filing date for a permit renewal, and the applicant shall be required to demonstrate compliance with all other requirements for renewal of the permit. A permit renewal issued under this section shall not be retroactive for the conduct of any business activity during the period of any lapse prior to the issuance of the renewal, and this section shall not be construed to excuse the conduct of any business activity without a current and valid permit.

(d) The refusal of a director to accept or process the filing of a late filed permit renewal application under this section shall be subject to appeal in the same manner provided by the law governing issuance of the permit.

(e) The provisions of this section shall not apply in any instance where the late filing or processing of the permit is prohibited by a state or federal law or regulation that supersedes the operation of this section.

(f) To the extent that any law regarding the issuance of a permit conditions the issuance of the permit upon the existence or nonexistence of another permit for a premises conducting the same or another activity within a specified proximity, a lapsed permit shall be considered to still exist during the grace period authorized under this section and until the resolution of any late renewal application that is filed under this section for the limited purpose of determining the existence of other permit holders in the processing of any application for an original permit.
(Ord. No. 95-868, § 1, 8-9-95)

pro tem shall promulgate rules regarding scheduling. No more than three presentations, each not to exceed ten minutes, shall be scheduled for any council meeting. In the event that a quorum is not present at the scheduled time of commencement of the session, the presentations shall nevertheless proceed as scheduled by the mayor pro tem, provided that no business requiring official action of the city council shall commence until a quorum is present and the roll has been called.

4. Appearances by members of the public, which out of respect to the public, shall commence promptly at 2:00 p.m. as provided in Rule 8.
 5. Unfinished business.
- b. The order of business for the Wednesday session of the regular weekly meeting of the city council shall be:
1. Reading of the descriptions, captions or titles of the agenda items by the city secretary (to begin not earlier than 60 minutes before the scheduled commencement time of the session).
 2. Hearings.
 3. At the third Wednesday city council meeting session following the fifteenth day of each month, a report by the city administration and the city controller regarding the current financial status of the city including, but not limited to, a revenue, expenditure and encumbrance report for the general fund, all special revenue funds and all enterprise funds and a report on the status of bond funds is presented. The director of finance and admin-

istration and the city controller shall be present to answer questions about their reports at the Wednesday council meeting session and shall be limited to a combined time of 30 minutes. The director of finance and administration and the city controller shall furnish their respective reports in written form to the city secretary in sufficient time preceding the council meeting session at which the reports will be formally presented in order that copies of the reports may be distributed to the city council members among the various city council meeting preparation materials with the agenda.

4. Consent agenda.
 5. Matters removed from consent agenda.
 6. Unfinished business.
 7. Mayor's reports.
 8. Special appearances by department directors or other persons, when requested by the mayor or city council.
 9. Matters presented by council members.
- c. The agendas posted for each regular weekly meeting of the city council shall separately specify which items will be considered at each session (the Tuesday session and Wednesday session except where the meeting is rescheduled). Unfinished business from the first daily session in any calendar week's meeting shall not be carried over to the second daily session conducted that week."

Rule 3. Consent Agenda.

The mayor may submit all new items of business as a "consent agenda," which may contain one or more ordinances, resolutions or matters incorporated in a written motion as

part of the regular agenda of matters to be considered by city council. The items on the consent agenda shall be grouped by category (e.g., damages; accept work; property; plans; purchasing and tabulation of bids; resolutions and ordinances; miscellaneous; etc.). Each item on the consent agenda shall be separately identified and designated. No item may be considered as part of the consent agenda unless it has been publicly posted and submitted to council members at least 72 hours in advance of the scheduled time for the council meeting.

In the due order of business, the mayor shall announce that the consent agenda is to be considered and voted upon by the city council. Each category, or group, of items on the consent agenda will then be considered and voted upon by a separate motion made for each group. At any time during the council meeting, prior to the announcement of the vote on a group of items within the consent agenda, any council member may request the deletion of one or more items from consideration as part of that group of items. The making of such a request shall have the effect of removing the matter from the consent agenda without any further council action, and any matter so deleted may not thereafter be considered as an item on the consent agenda. In the event that any agenda item, whether or not on the consent agenda, is not ready for council action at the time it is reached on the agenda, that item shall be placed at the end of the agenda for action by council when all other agenda items have been considered; all publicly posted agendas shall so state.

Where the accomplishment of any specific matter on the city council agenda will require the adoption of more than one ordinance, resolution or motion all relating to the accomplishment of that same specific matter (for example, an appropriation ordinance and/or bid approval item relating to a contract approval item for the purchase of an order of goods or the construction of a public works project or for further example, an appropriation ordinance relating to a real property purchase or condemnation item) the city secretary shall endeavor to group the placement of the items so related

on the agenda in consecutive order. A request by any council member to remove any one of the items so grouped on the agenda shall be deemed to constitute a request to remove all of the items that are related to the accomplishment of the same specific matter. Where the city secretary has grouped similar but unrelated items for consideration on the agenda (for example, the referral, denial or approval of various unrelated claims by different persons) a request to remove one item shall not be deemed to extend to the other unrelated items.

Each item so deleted from the consent agenda shall be considered immediately after the council action on the entire consent agenda. In the event that more than one item is deleted from the consent agenda, each item shall be considered individually in the order in which it originally appeared on the agenda.

All items so deleted by the request of a council member shall be subject to any other motion or action of council, including a "tag." Prior to the consideration of any group of items within the consent agenda, the city secretary shall announce, by item number, those items that have been eliminated from the consent agenda.

Only one vote shall be taken on all items within any category, or group, remaining on the consent agenda. However, the city secretary shall record such vote as the vote on each separate item within such category or group.

Rule 4. Tag Rule.

Whenever any motion other than a procedural motion, resolution or ordinance (including a motion to amend a proposed motion, resolution, or ordinance) is presented for the first time to the city council, a council member may 'tag' such matter for a period of one week when such action will not render the subject matter moot. If a council member is absent from the city or ill and therefore is not in attendance at the council meeting when a new matter is originated, then that council member shall have the privilege of 'tagging' the new matter for a period of one week at a subsequent council meeting, provided such new matter has

not previously been finally approved by the city council. A matter is rendered "moot" if its legal effect, or other practical effect, has been de-

feated by the passage of time. A matter that is postponed to a later time on the same calendar day is still subject to tag. Debate of an item or consideration or adoption of motions relating to an item shall not preclude its being subject to a tag at the meeting when it is first presented, or by an absent member at a subsequent meeting, as provided above.

A council member may exercise a "tag" at any time before voting on the matter has been completed. However, if a roll call vote has been requested, then the "tag" must be exercised before the first member polled has cast a vote. Whenever an item is tagged, all council members desiring such tag shall be listed by the city secretary, and no tag shall be released prior to the expiration of the one-week period unless all the members so listed have given their release; an item on which all tag(s) have been released shall be reconsidered following consideration of other agenda legislation items.

A motion to approve or disapprove an appointment by the mayor is not subject to a "tag" if written notice of such appointment, including a resume of the proposed appointee, has been delivered to the offices of all council members at least 14 calendar days prior to the meeting at which an appointment is submitted to council for approval. No resume shall be required in the event of a reappointment.

In this rule, references to a "one week period" or a "period of one week" shall be construed to mean the duration of time between one regular weekly meeting of city council and the next, regardless of whether that period may be more or less than seven days.

Rule 5. Attendance at Meetings.

The council members shall attend the regular and special meetings. If any member shall be absent without just cause, the presiding officer may issue a warrant of attachment for such member to compel attendance, which warrant may be executed by any person to whom the presiding officer shall direct the warrant. The

council may impose a fine of not more than \$10.00 upon any member failing to attend a meeting without just cause.

Charter reference—Power of council to compel attendance of members, Art. VII, § 6.

Rule 6. Decorum.

Each council member shall be permitted to address the chair while either seated or standing and shall not be interrupted while speaking without the speaker's consent except by a call to order of the chair or to correct a statement of fact. The presiding officer of the council may fine any member guilty of indecorum or disorderly conduct in the council not more than \$10.00 or place such person under arrest.

Charter reference—Authority to punish members of council for misconduct, Art. VII, § 6.

Rule 7. Recesses.

- a. Regular meetings of the city council shall be in recess between the hours of 3:00 p.m. and 3:30 p.m. on Tuesdays, between 5:00 p.m. on Tuesdays and 9:00 a.m. on Wednesdays, between 10:30 a.m. and 11:00 a.m. on Wednesdays and between noon and 1:30 p.m. on Wednesdays.
- b. In any instance in which the city council is unable to complete the appearances by members of the public prior to the regularly scheduled 5:00 p.m. recess of the Tuesday session and there remain speakers to be heard who have timely requested to speak on identifiable items of business to be considered on the agenda for the Wednesday session, then any member of the city council may bring the matter to the attention of the mayor. In such instance, the city council may, at the discretion of a majority of the members present, either continue in session or reconvene after a dinner recess on Tuesday for such length of time as may be required to complete the public appearances of those speakers who have requested to speak on identifiable agenda items.

- c. The provisions of subsection b shall not be construed to require the reconvening or continuation of the city council session to hear any speaker whose name was called in due course and who was not present in the city council chambers.

*Rule 8. Appearances by Members of the Public.**

- a. Any citizen of the city shall have a reasonable opportunity to be heard at all regular and special meetings of the city council in regard to any and all matters to be considered at such meetings that are germane and relevant to any subject matter of city affairs or business that is within the scope of the authority and legislative functions of the city council. Such appearances by members of the public shall be scheduled to begin at 2:00 p.m. at the Tuesday session of the regular meetings of city council. Any council member shall have the privilege of raising a point of order as to whether the subject matter to be heard and considered as presented by a citizen is germane and relevant to any subject matter of city affairs or business that is to be considered by city council.

Requests to appear shall be made to the office of the city secretary, and may be made in person, by mail or by telephone, provided that the request is received before the scheduled time of commencement of the city council meeting session at which public appearances will be heard.

***Editor's note**—Rules 8 and 10 both provide five minute limitations, but the two limitations operate independently. Rule 8 provides for city council to suspend questioning of a public session speaker after five cumulative minutes of questioning by council members and for the suspended speaker to be asked to wait and return following the other speakers' appearances, if council members desire. Rule 10 limits each council member to five minutes of questioning at a time, per speaker, on a rotating basis. Rule 8 applies during the appearances by members of the public, which are usually presented during the Tuesday afternoon session. Rule 10 applies to all city council debate.

Each speaker shall provide his or her name, street address, mailing address (if different), telephone number, and a brief description (not to exceed ten words) of the intended subject matter of the citizen's remarks. Speakers who have not appeared at any of the four preceding regular city council meetings shall also state whether they wish to limit their remarks to one, two or three minutes.

Speakers will be heard in accordance with the following priority:

1. Speakers who have not appeared at any of the four previous weekly city council meetings and whose intended comments as stated in their request relate to an identifiable item of business that will be considered on that week's city council agenda will be heard in the order in which their requests were received with those requesting one minute being first, those requesting two minutes being second, and those requesting three minutes being third. Each speaker shall be limited to one, two or three minutes as specified in the request to appear.
2. Thence, speakers who have not appeared at any of the four previous weekly city council meetings and whose intended comments as stated in their request do not relate to an identifiable item of business that will be considered on that week's city council agenda will be heard in the same manner as provided in item 1, above.
3. Thence, speakers who have appeared at any of the four previous weekly city council meetings will then be heard in the

order in which their requests were received for no more than one minute.

Questions shall not be asked of speakers during their allotted presentation time by the council members, nor shall the council members respond to speakers during their presentations. The city council members may pose questions to any speaker about his or her presentation, either following that speaker's presentation or after all speakers have been heard. City council members having questions for a speaker shall request that the speaker remain and return for questions following presentations by all other speakers unless they believe that the questions of the speaker by all council members can be concluded in five minutes or less. In any instance in which the questioning of a speaker is commenced following the speaker's presentation and is not completed within five minutes, then the questioning shall be suspended and the speaker may be asked to return for the completion of the questioning following the presentations of the other speakers. If any speaker desires to present public charges of misconduct against a named police officer or other city employee, then the speaker shall be placed under oath. Following the presentations by all speakers the city council shall refer, where appropriate, the matters that have been raised.

- b. Notwithstanding the provisions of subsection a, if the total of the times requested by speakers at any council meeting is greater than 150 minutes, the mayor shall so announce and each speaker's time shall be one minute. Furthermore, when the provisions of this subsection are invoked, the question time for city council members shall be limited to

a total of one minute for each speaker, notwithstanding the provisions of this rule and rule 10 to the contrary.

- c. The provisions of this subsection c. shall only be applicable in an instance in which the city council has rescheduled the order of business to be conducted at any weekly meeting in such a manner that the agenda of city business that is usually conducted at the Wednesday session, or a portion thereof, will be taken up prior to the appearances by the public. In any such instance, if there is scheduled any agenda item on which one or more citizens are scheduled to be heard at that meeting, then the consideration of that agenda item will be postponed by the mayor upon the request of any council member until after the conclusion of the public speaker session at which such persons are scheduled to be heard. This rule shall not apply unless the speaker(s) on the agenda item to be postponed are scheduled to appear as of the time that the session is scheduled to commence. A speaker will be considered to be scheduled when that speaker's name has been placed on the speaker list maintained by the city secretary. Furthermore, this provision shall not apply if the postponement would render the agenda item moot.

This postponement provision shall not affect the use of, but shall be supplemental to, the tag rule; provided, however, that any tag must still be exercised on the first day on which a matter is presented to the city council, subject to the exceptions set forth in the tag rule, and the request by any council member that an item be postponed shall not prevent another council member from tagging it in lieu of its postponement hereunder. An item which has been previously tagged may nevertheless

be further postponed hereunder, subject to the rule that it not thereby be rendered moot.

Rule 9. Appearances by Persons Regarding Agenda Items.

If, during consideration of an agenda item, the city council elects to hear from, or question, any city employee, or other person, regarding such agenda item, that item shall be postponed until the end of the agenda, at which time such person shall be heard and/or questioned. Suspension of any rule and postponement of the agenda item shall not be necessary for inquiries from city council to the city attorney, the agenda director, the director of the finance and administration department, the city secretary or their attending designees who are present at the council table, and such persons may be questioned at the time the agenda item is being considered. For purposes of this rule "agenda item" includes any item on the published agenda or any other matter properly before city council.

*Rule 10. Time Limit on Debate.**

Whenever individual citizens or city employees appear before the city council to speak or to present testimony relative to any item on the agenda, each council member shall limit the questions or remarks for each speaker to an initial maximum period of five minutes, including time used by the speaker to answer the council member's questions. A person answering a question shall be permitted to complete the answer, despite the expiration of the five-minute limit.

In all other deliberations by the city council, the same initial maximum period of five min-

***Editor's note**—Rules 8 and 10 both provide five minute limitations, but the two limitations operate independently. Rule 8 provides for city council to suspend questioning of a public session speaker after five cumulative minutes of questioning by council members and for the suspended speaker to be asked to wait and return following the other speakers' appearances, if council members desire. Rule 10 limits each council member to five minutes of questioning at a time, per speaker, on a rotating basis. Rule 8 applies during the appearances by members of the public, which are usually presented during the Tuesday afternoon session. Rule 10 applies to all city council debate.

utes per council member shall apply during the debate of any item on the agenda. A council member may question or remark as to each speaker, or debate any agenda item, for a second maximum period of five minutes, but only after all other council members desiring to be heard on the matter have exercised their initial five minutes of questioning, remarks or debate. Subsequent rounds may ensue in the same manner, each limited to five minutes per council member, until all questioning, remarks or debate has been completed. Each council member shall be limited to a total of ten minutes during hearing of the agenda item entitled "matters presented by council members."

Rule 11. Readings Required of Ordinances and Resolutions.

The passage of ordinances, other than on the consent agenda, shall be by reading the same at three regular meetings by caption or title, unless a reading in full is requested by a council member; provided, however, that all ordinances that are public emergencies may be passed finally on the date of their introduction when so requested by the mayor in writing, by one reading of the caption or title thereof, unless additional readings of such caption or title are requested by a council member, which, in no event, shall exceed three readings of such caption. This rule shall not be applicable to ordinances that are required, by virtue of their subject matter or otherwise, to be read or adopted in a different manner pursuant to applicable provisions of the Charter or state law.

Charter reference—Passage of ordinances on date of introduction, Art. VII, § 7.

Rule 12. Appeals to City Council.

Every appeal that is authorized by federal law, state law, the city Charter, or city ordinance to be made to the city council from a decision by an officer, agency, board or commission shall be reviewed by the city council, without the taking of further evidence by city council, on the basis of the record of the decision from which the appeal is taken. Consider-

ation of appeals may be scheduled at any specific time on the agenda, irrespective of the order of business established by these rules.

The director of each department (or a designee), or the presiding officer of a board, commission or agency, or a hearing examiner (the "hearing officer"), as appropriate, shall conduct an evidentiary hearing, the record of which shall be made by a certified court reporter of any matter that may be appealed to the city council.

Each presiding officer or hearing officer shall give written notice to any party appearing in an evidentiary hearing that:

- (1) A court reporter is required to prepare a record in order for there to be an appeal to the city council;
- (2) The party must request, in writing, the presence of a court reporter at the hearing before the hearing officer not less than 24 hours prior to such evidentiary hearing; and
- (3) The party requesting the court reporter agrees to pay all costs of the court reporter, including preparation of transcript(s) for appeal to city council.

In the event that an appeal to the city council is filed by a party to a decision, the city council shall consider the appeal solely on the basis of:

- (1) The written transcript of the hearing conducted below; and
- (2) The written exceptions, if any, of each party to the proceeding to the facts and administrative rulings and decisions made by the officer, agency, board or commission.

In the event that city council finds that the record is incomplete or inadequate, the city council may refer the matter to the officer, agency, board or commission for further proceedings. All decisions of the council on the record, other than a referral for further proceedings, shall be final and not subject to further appeal or rehearing.

The provisions of this rule shall not apply to any appeal on which evidence is required to be taken by the city council pursuant to applicable provisions of state or federal law or the city Charter.

Rule 13. Roll Call Vote.

A vote shall be taken by roll call at the request of any council member. A council member may not abstain or pass on any vote.

Rule 14. Questions of Order.

All questions of order shall be decided by the presiding officer, with the right of appeal to the city council, the majority of whom may override the ruling.

Rule 15. City Secretary as Clerk.

The city secretary shall be the clerk or secretary of the council, whose duty it shall be to act as reading and recording clerk to the council and to certify the correctness of the minutes and the journals and to perform such other duties as may be required by the city council and the mayor.

Rule 16. Confirmations and Approvals.

All confirmations or approvals required by the city council shall be made by a majority vote of the members present at such council meeting at the time of such confirmation or approval.

Rule 17. Motions.

All oral motions must be seconded before being put by the chair and upon the request of any council member shall be reduced to writing by the party making the same. Written motions shall require no second.

Rule 18. Motion to Reconsider.

When a question has once been determined by the city council, the same question shall not again be considered until 90 days thereafter, and then only by motion to reconsider made by a member who voted with the prevailing side of such question.

Rule 19. City Council Appointments.

- a. *Notice to nominate.* Where an appointment to a board, commission,

or similar entity is decided through nomination and confirmation by the city council ("council appointment"), any member of council shall have the right to make a motion in open session of council that an item appear on the printed agenda (the "agenda") not less than seven days thereafter to consider nominations for such council appointment. At the time the motion is made, the member making the motion shall provide to those members of council present the name of the board, commission, or similar entity for which the nomination is being made, the length of the term for that position, the incumbent for that position, and the expiration date for that incumbent's term.

- b. *Making nominations.* When the item to consider nominations for such council appointment is reached on the agenda, each council member, including the mayor, shall have the right to make one or more nominations. Where more than one council appointment to the same board, commission, or similar entity is to be voted upon, then each nomination shall be to a specified position. Each council member who makes a nomination shall, at the time of such nomination, submit to the city secretary, the mayor, and to each other council member, a resume for the nominee. If a council member fails to provide such a resume, the nomination shall be void. The resume shall include at least the nominee's full name, current residence address, current business address, residence and business telephone numbers, employment history for the preceding six years, and a record of all other public positions currently or previously held, whether elected or appointed. Neither the item to consider nominations to such council appointment or

the nomination or nominations by a council member shall be subject to tag.

- c. *Vote on nomination.* The vote on a council appointment shall be taken seven days after nominations to the council appointment are presented in open council meeting. This provision can be suspended, and the vote taken in less than seven days, if the matter is properly posted under state law. If more than one council appointment to a particular board, commission, or similar entity is being voted upon, the candidates for each position shall be voted upon separately. If no nominee for a particular council appointment receives a majority of the votes cast for that position, then council shall, by majority vote, choose between those two candidates having the greatest number of votes. In the event of a tie, the council shall vote again. If the result is again a tie, then the election shall be decided by the drawing of lots.

Rule 20. Suspension of Rules.

Any one or all of these rules may be suspended by a vote of ten council members, except such rules that embody provisions of the Charter, identically or substantially. The rules may be suspended only for a specific purpose, and immediately following the achievement of that purpose, the rules shall again be in full force and effect, subject to further suspension by motion.

Rule 21. Robert's Rules of Order Newly Revised.

The rules of procedure as stated in the current edition of "Robert's Rules of Order Newly Revised" shall govern the proceedings of the city council except when in conflict with the provisions of state law, the Charter or city ordinances or the rules of procedure adopted hereby.

Rule 22. Posters in Council Chambers, Applause, Booming; Containers at Speakers' Podium.

- a. No person shall brandish, wave or display or cause to be brandished, waved or displayed any sign, placard, poster or banner within the city council chambers in such a manner as to impede the use of the aisles, interfere with the use of the seating area, obstruct the view of another or in any other manner disturb or interfere with the orderly conduct of the meeting at any time during which the city council is conducting a meeting in the city council chambers.
- b. No person making an appearance before the city council pursuant to Rule 8 of these rules shall have in his or her possession while at the public speakers' podium any paper bag, plastic bag, handbag, briefcase, purse, satchel, box, envelope, tape recorder or other container of any sort. A shelf shall be provided near the speakers' podium at which handbags, briefcases and other small items may be placed during an appearance.
- c. No person within public aisles or seating area of the city council chambers shall applaud, boo, clap, or otherwise audibly express approval or disapproval of the actions being taken at the city council table or the public speakers' podium in a loud and raucous manner calculated to disturb the meeting, except for public recognition initiated by city council.
- d. Violation of this rule shall not be a municipal offense; however, any police officer or other person assigned to provide security for the council meeting shall advise any person who fails to comply with this rule of his or her noncompliance. Any person who, after having been advised of his or her noncompliance, continues to violate subsection a., or c., of this rule

shall be ejected by the security personnel from the council chambers for the noncompliance with this rule. Any person who, after being advised of his or her noncompliance continues to violate subsection b., of this rule shall be removed by the security personnel from the public speakers' podium. The operation of this rule shall not be construed to preclude any person from prosecution for violation of any applicable penal law.

(Code 1968, § 2-2; Ord. No. 70-1753, § 1, 10-7-70; Ord. No. 72-2170, § 1, 11-21-72; Ord. No. 72-2186, § 1, 11-27-72; Ord. No. 75-1774, § 1, 10-1-75; Ord. No. 76-491, § 1, 3-23-76; Ord. No. 76-702, § 1, 4-27-76; Ord. No. 80-2463, § 1, 7-30-80; Ord. No. 82-1313, § 1, 8-24-82; Ord. No. 82-1314, § 1, 8-24-82; Ord. No. 82-1315, § 1, 8-24-82; Ord. No. 82-1424, § 1, 9-14-82; Ord. No. 82-1544, § 1, 9-28-82; Ord. No. 84-1422, §§ 1—4, 9-22-84; Ord. No. 84-1443, § 1, 9-12-84; Ord. No. 87-1023, § 1, 6-24-87; Ord. No. 87-1176, § 1, 7-8-87; Ord. No. 87-1194, §§ 1—6, 7-8-87; Ord. No. 88-389, § 1, 3-16-88; Ord. No. 88-548, § 1, 4-6-88; Ord. No. 88-620, §§ 1, 2, 4-20-88; Ord. No. 88-1235, § 1, 7-13-88; Ord. No. 88-1707, § 1, 11-2-88; Ord. No. 89-583, § 1, 4-26-89; Ord. No. 90-631, § 1, 5-23-90; Ord. No. 90-832, §§ 1—5, 7-3-90; Ord. No. 90-1111, §§ 1—3, 9-12-90; Ord. No. 93-217, § 1, 3-3-93; Ord. No. 93-1048, § 2, 8-25-93; Ord. No. 93-1251, §§ 1, 2, 10-6-93; Ord. No. 94-1385, §§ 1—3, 12-21-94; Ord. No. 95-996, § 1, 9-13-95; Ord. No. 95-1296, § 8, 12-6-95; Ord. No. 96-930, § 1, 9-11-96; Ord. No. 98-587, § 1, 7-22-98; Ord. No. 98-1233, §§ 1—3, 12-22-98; Ord. No. 05-91, § 1, 1-25-05)

Charter references—Authority of council to prescribe its rules, Art. VII, § 6; presiding officer, Art. VII, §§ 3, 6.

Sec. 2-3. Filing for elective city offices.

Candidates for full time elective terms of office at city general elections may have their names printed upon the official ballot, if such candidates meet all legally applicable qualifications for such office, by filing their sworn applications, in such form as may be required by law, with the mayor at least 45 days prior to the election day and by paying filing fees for the respective offices in the

amounts specified in article V, section 6, of the charter, or submitting in lieu of a filing fee a nomination petition signed by qualified voters pursuant to the applicable provisions of the Texas Election Code.

(Code 1968, § 16-4; Ord. No. 73-1487, § 1, 8-1-73; Ord. No. 73-1534, § 1, 8-8-73; Ord. No. 87-1519, § 1, 9-2-87)

Charter reference—Filing for office, Art. V, § 6.

Sec. 2-4. Waiver of notice of claims against city.

Neither the mayor nor any other officer or employee of the city shall have authority to waive any of the provisions of section 11, article IX, of the charter of the city.

(Code 1968, § 2-15)

Sec. 2-5. Hiring of appraisers and experts in connection with lawsuits and hearings.

In connection with lawsuits pending or threatened and in connection with hearings before the city council or before other bodies by which hearings are, from time to time, had, the mayor is hereby authorized, if the necessity or propriety thereof becomes evident, to procure or cause to be procured, the services of such appraisers and such experts in the matter of values and damages as he may deem proper; the city council hereby authorizes the making with such appraisers and such experts of such agreements for the payment to them for their services as may be deemed proper by the mayor, and payment therefor out of funds appropriated, or hereafter appropriated, from which such payments may lawfully be made.

(Code 1968, § 2-16)

Sec. 2-6. Emergency medical services system director.

Within the office of the mayor in the city department known as the mayor and council members' office, there is hereby created the executive level position of emergency medical services ("EMS") system director ("the director"). Funding for the position shall be derived from the fire department's budget. The director shall be a physician licensed as such in the State of Texas who has training and expertise in the out-of-hospital

care of critically ill and injured patients. The director is responsible for medical oversight of the city's delivery of emergency medical services, including all medical aspects of the coordination, monitoring and implementation of emergency medical services system policies, procedures, research and educational activities. The director shall also hold simultaneous outside employment with a local medical school that has the responsibility for emergency medical research activities and on-line medical direction activities for the city and shall report to the president or dean of the medical school for purposes of the outside employment. (Ord. No. 96-57, § 6, 1-17-96)

Sec. 2-7. Veterans' parking privileges.

(a) Pursuant to the provisions of subsection (b) of section 681.008 of the Texas Transportation Code, as amended, the exemption provided in subsection (a) of section 681.008 shall also apply to payment of fees imposed by the city for parking in a public parking garage or public parking lot. This exemption shall not, however, extend to areas designated as "short term" in aviation department parking lots and parking garages.

(b) The exemption extended herein shall be applied in a manner that is consistent with the authorizing provisions of state law. As authorized by state law, the exemption shall apply to a vehicle in display of:

- (1) Disabled Veterans license plates issued under Texas Transportation Code § 502.254(a) or 502.254(b);
- (2) Congressional Medal of Honor Recipients license plates issued under Texas Transportation Code § 502.255;
- (3) Former Prisoner of War license plates issued under Texas Transportation Code § 502.257;
- (4) Pearl Harbor Survivors license plates issued under Texas Transportation Code § 502.259; or
- (5) Purple Heart Recipients license plates issued under Texas Transportation Code § 502.260;

when the vehicle is being operated by or for the transportation of the registrant of the vehicle. The directors of the various city-operated parking garages and lots to which this privilege applies may promulgate rules for the operation of this exemption. The rules shall be consistent with applicable state law, and may include, but not be limited to, a requirement that persons requesting free parking provide a registration receipt and driver license or other evidence that the vehicle is in fact being operated by or for the transportation of the vehicle registrant.

(Ord. No. 00-520, § 2, 6-12-00)

Secs. 2-8—2-20. Reserved.

ARTICLE II. OFFICERS AND EMPLOYEES IN GENERAL*

DIVISION 1. GENERALLY

Sec. 2-21. Positions, classifications, salaries and salary ranges.

The positions, classifications, salaries, and salary ranges of the officers and employees of the city, other than as prescribed in this Code, are contained in separate ordinances not included in this Code, and nothing in this Code or the ordinance adopting this Code shall be deemed to repeal such ordinances.

(Code 1968, § 2-32)

Sec. 2-22. Payment of moving expenses.

In the event it becomes necessary to employ a person possessing special professional skills and experience, whose residence at the time of employment is located more than 100 miles from the city, upon the employment of any such person, his moving expenses may be paid by the city as a part of his contract of employment.

(Code 1968, § 2-33)

***Cross references**—Representation of defendants in criminal cases by city employees, § 16-65; civil service, Ch. 14; ethics and financial disclosure, Ch. 18; assaulting, interfering, etc., with city officers, § 28-6.

Sec. 2-23. Solicitation of funds by employees.

(a) It shall be unlawful for any person employed and carried on the payroll of the city to solicit funds of any character for any purpose or to sell tickets for any function not approved and permitted by law or ordinance or approved by the city council; provided, the following functions shall be exempt from the provisions of this section:

- (1) Police department ball.
- (2) Firemen's band annual dance.
- (3) City employees' union dance.
- (4) Firemen's annual ball.
- (5) City-county employees' union dance.
- (6) Fire department Christmas tree shoe fund.
- (7) Solicitation of funds which are actually used to purchase floral offerings for the funeral of any city employee or official.

(b) Any employee desiring to take part in the solicitation of funds for any purpose, other than the causes declared exempt by this section, must first obtain the approval and permission of the city council so to do.

(c) Violation of this section shall be grounds for termination or other appropriate disciplinary action.

(Code 1968, § 2-34)

Sec. 2-24. On the job injuries sustained prior to July 1, 1974.

The provisions of Ordinance No. 71-2404 are hereby incorporated by reference and shall remain applicable to the continuing and necessary medical and hospital services costs relating to on the job injuries sustained by city employees prior to the July 1, 1974 effective date of workers compensation insurance benefits for city employees.

Editor's note—Ordinance No. 71-2404 was codified as sections 2-53 through 2-57 of the 1968 edition of the Code of Ordinances, City of Houston.